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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,460	10/10/2001	Andrew Ernest Fano	10022/187	4729

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EXAMINER

DIXON, THOMAS A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,460

Applicant(s)

FANO, ANDREW ERNEST

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-59 and 61-72 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 and 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-59 and 61-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Examiner thanks applicant for the reminder regarding the removal of Hunt et al as prior art by applicant's 131 declaration. An updated search has revealed the Hunt et al (5,893,091) reference, applied below.
2. Claims 20-26, 28-34, 36, 37-40, 42-47, 49-54, 56, 57-59, 61-65, 67-68, 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve et al (5,682,525) in view of Hunt et al (5,893,091).

As per Claims 20, 28.

Boue et al ('525) discloses:

obtaining information identifying an item of merchandise from a user, see page column 2, lines 26-31;

determining a physical location of a user, see column 2, lines 46-52;

querying a computerized network of information utilizing a query based on the information identifying the item of merchandise and the physical location of the user, see column 2, lines 26-28, column 3, line 45, column 11, lines 15-19 and lines 24-29;

receiving from a retailer-based agent in response to the query information associated with the item of merchandise from the retailer proximate to the user being associated with the item of merchandise that the user desires to purchase, see column 11, lines 8-14 figures 2 (32, 34) and 4 (73, user may print a list of information about these items or select one by clicking" in which "computer products" are the items of interest, see column 5, lines 4-13.

displaying the information and a physical location of the retailer, see column 11, lines 8-14.

Boue et al ('525) does not disclose a customized offer.

Hunt et al ('091) teaches a customized offer based on customer's location and previous shopping history, see column 6, lines 31-59, for the benefit of customer convenience.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display the customized offer taught by Hunt et al (259) in the invention of Bouve et al ('525) for the benefit of customer convenience.

As per Claim 21, 29, 43, 50, 62, 65

Boue et al ('525) further discloses a list, see column 2, lines 13-16.

As per Claim 22, 30, 44, 51.

Boue et al ('525) further discloses a query based on the list and user's location, see column 2, lines 13-16 and column 11, lines 3-14.

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As per claim 23, 31, 45, 52.

Bouve et al ('525) further discloses the list is generated by the user at a location remote from the retailer, see column 6, lines 39-67.

As per Claim 24, 32, 38, 46, 53, 58.

Bouve et al ('525) further discloses displaying a list of items, see figure 4 (73) and column 11, lines 8-14.

Bouve et al ('525) does not specifically disclose displaying the prices associated therewith.

Hunt et al ('091) teaches displaying prices associated with items, see column 6, line 31 – column 7, line 6, for the benefit of customer convenience.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display the item prices as taught by Hunt et al (259) in the invention of Bouve et al ('525) for the benefit of customer convenience.

As per Claim 26, 47

Bouve et al ('525) further discloses the internet, see column 11, lines 24-30.

As per Claim 34, 54

Bouve et al ('525) further discloses pattern recognition to enhance the location of pertinent information, see column 8, lines 63-67.

As per Claim 36, 61, 63, 64, 67, 68.

Bouve et al ('525) discloses:

obtaining information identifying an item of merchandise from a user, see page column 2, lines 26-31;

determining a physical location of a user, see column 2, lines 46-52;

querying a computerized network of information utilizing a query based on the information identifying the item of merchandise and the physical location of the user, see column 2, lines 26-28, column 3, line 45, column 11, lines 15-19 and lines 24-29;

receiving information from an agent in response to the query information about an item, the item of merchandise being associated with the item the customized offer for sale of the item of merchandise from the retailer proximate to the user being associated with the item of merchandise that the user desires to purchase, see column 11, lines 8-14 figures 2 (32, 34) and 4 (73, user may print a list of information about these items or select one by clicking" in which "computer products" are the items of interest, see column 5, lines 4-13.

displaying the purchasing information.

Bouve et al ('525) does not disclose a customized offer.

Hunt et al ('091) teaches a customized offer based on customer's location and previous shopping history, see column 6, lines 31-59, for the benefit of customer convenience.

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Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display the customized offer taught by Hunt et al (259) in the invention of Bouve et al ('525) for the benefit of customer convenience.

As per Claim 25, 33, 39, 59.

Bouve et al ('525) does not disclose suggesting items for sale.

Hunt et al ('091) teaches a customized offer based on customer's preprogrammed criteria, see column 6, lines 31-59, for the benefit of customer convenience.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to suggest items for sale as taught by Hunt et al (259) in the invention of Bouve et al ('525) for the benefit of customer convenience.

As per Claim 37, 57.

Bouve et al ('525) does not specifically disclose parsing the terms based on predefined criteria to create the query.

Hunt et al ('091) teaches a parsing and filtering engine for the benefit of analyzing each alert and determining if it meets the recipient's criteria.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to parse the input to for the benefit of analyzing each alert and determining if it meets the recipient's criteria.

As per Claim 40.

Bouve et al ('525) does not disclose recognizing patterns to suggest items for sale.

Hunt et al ('091) teaches a customized offer based on customer's preprogrammed criteria, see column 6, lines 31-59, for the benefit of customer convenience.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display the customized offer as taught by Hunt et al (259) in the invention of Bouve et al ('525) for the benefit of customer convenience.

As per Claims 42, 48.

Bouve et al ('525) discloses:

obtaining information identifying an item of merchandise from a user, see page column 2, lines 26-31;

determining a physical location of a user, see column 2, lines 46-52;

querying a computerized network of information utilizing a query based on the information identifying the item of merchandise and the physical location of the user, see column 2, lines 26-28, column 3, line 45, column 11, lines 15-19 and lines 24-29;

receiving from a retailer-based agent in response to the query information associated with the item of merchandise from the retailer proximate to the user being associated with the item of merchandise that the user desires to purchase, see column 11, lines 8-14 figures 2 (32, 34) and 4 (73, user may print a list of information about

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these items or select one by clicking" in which "computer products" are the items of interest, see column 5, lines 4-13.

displaying the information and a physical location of the retailer, see column 11, lines 8-14.

Bouve et al ('525) does not disclose a customized offer or suggesting items.

Hunt et al ('091) teaches a customized offer and suggesting items based on customer's preprogrammed criteria, see column 6, lines 31-59, for the benefit of customer convenience.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display the customized offer taught by Hunt et al (259) in the invention of Bouve et al ('525) for the benefit of customer convenience.

As per Claim 56.

Bouve et al ('525) discloses:

obtaining information identifying an item of merchandise from a user, see page column 2, lines 26-31;

determining a physical location of a user, see column 2, lines 46-52;

querying a computerized network of information utilizing a query based on the information identifying the item of merchandise and the physical location of the user, see column 2, lines 26-28, column 3, line 45, column 11, lines 15-19 and lines 24-29;

receiving information from an agent in response to the query information about an item, the item of merchandise being associated with the item the customized offer for sale of the item of merchandise from the retailer proximate to the user being associated with the item of merchandise that the user desires to purchase, see column 11, lines 8-14 figures 2 (32, 34) and 4 (73, user may print a list of information about these items or select one by clicking" in which "computer products" are the items of interest, see column 5, lines 4-13.

displaying the purchasing information.

Bouve et al ('525) does not disclose a customized offer or suggesting items for sale.

Hunt et al ('091) teaches a customized offer based on customer's preprogrammed criteria, see column 6, lines 31-59, for the benefit of customer convenience.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display the customized offer taught by Hunt et al (259) in the invention of Bouve et al ('525) for the benefit of customer convenience.

As per Claim 70.

Bouve et al ('525) discloses:

a retailer agent configured to provide a computerized network of information related to items of merchandise from a plurality of retailers and to determine a physical location of a mobile shopper, see column 2, lines 10-52;

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a shopping agent communicatively coupled with the retailer agent and configured to store information related to desired items of merchandise, see column 1, line 60 – column 2, line 9.

Bouve et al ('525) does not disclose an offer of items for sale.

Hunt et al ('091) teaches a customized offer based on customer's preprogrammed criteria, see column 6, lines 31-59, for the benefit of customer convenience.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display the customized offer taught by Hunt et al (259) in the invention of Bouve et al ('525) for the benefit of customer convenience.

As per Claim 71.

Bouve et al ('525) further disclose the display of the location of the retailer proximate the shopper with respect to the location of the shopper, see column 2, lines 46-52.

3. Claims 27, 35, 41, 48, 55, 66, 69, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve et al (5,682,525) in view of Hunt et al (5,893,091) further in view of Bianco (5,047,416).

As per Claim 27, 35, 41, 48, 55, 66, 69, 72.

Bouve et al ('525) does not specifically disclose alerting the user to the best price.

Bianco ('416) teaches alerting the users to better values, see column 4, lines 1-8, for the benefit of increased customer service.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to alert the customers of Bouve et al ('525) of the best price or better values as taught by Bianco ('416) for the benefit of increased customer service.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas A. Dixon
Primary Examiner
Art Unit 3629

January 05